

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

ADMINISTRATIVE RULES REVIEW

Table of Contents

Legislative Session 2004

IDAPA 01 - IDAHO BOARD OF ACCOUNTANCY

01.01.01 - Idaho Accountancy Rules

Docket No. 01-0101-0302

Notice of Rulemaking - Pending Fee Rule.....2

Docket No. 01-0101-0302 (Fee Rule)

Notice of Rulemaking - Temporary and Proposed Rule3

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.07.01 - Rules Governing Installation Of Heating, Ventilation, And Air Conditioning Systems

Docket No. 07-0701-0301

Notice of Rulemaking - Pending Fee Rule.....10

Docket No. 07-0701-0301 (Fee Rule)

Notice of Rulemaking - Proposed Rule.....11

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.44 - Schedule Of Fees, Licenses And Miscellaneous Charges

Docket No. 18-0144-0301

Notice of Rulemaking - Pending Fee Rule.....18

Docket No. 18-0144-0301 (Fee Rule)

Notice of Rulemaking - Temporary and Proposed Rule19

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.08.01 - Rules Of The State Board Of Morticians

Docket No. 24-0801-0301 - (Fee Rule)

Notice of Rulemaking - Pending Fee Rule.....21

Docket No. 24-0801-0301 (Fee Rule)

Notice of Rulemaking - Temporary and Proposed Rule22

INDEX28

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

IDAPA 01 - IDAHO BOARD OF ACCOUNTANCY

01.01.01 - IDAHO ACCOUNTANCY RULES

DOCKET NO. 01-0101-0302

NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-204(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the July 2, 2003 Idaho Administrative Bulletin, Volume 03-7, pages 20 through 26.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 67-5205(2) and 67-5206, Idaho Code.

The proposal sets Idaho's administrative fee at \$100 for an original candidate (vs \$225 now) and \$50 for a re-exam candidate (vs either \$65, \$130, or \$200 now.) The test development and delivery fees are set by national organizations and the candidate must pay those fees directly.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Barbara R. Porter, Executive Director, at 208-334-2490.

DATED this 7th day of October, 2003.

Barbara R. Porter, Executive Director
Idaho State Board of Accountancy
1109 Main Street, Owyhee Plaza Suite 470
PO Box 83720, Boise, Idaho 83720-0002
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IDAPA 01, TITLE 01, CHAPTER 01

IDAHO ACCOUNTANCY RULES

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-7, July 2, 2003, pages 20 through 26.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

IDAPA 01 - IDAHO BOARD OF ACCOUNTANCY

01.01.01 - IDAHO ACCOUNTANCY RULES

DOCKET NO. 01-0101-0302 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is November 7, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 54-204(1), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 16, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Uniform CPA Examination is a national exam, used in all 54 of the licensing jurisdictions. The exam will convert from a paper and pencil exam to a computerized exam after the November 2003 administration. This is the only method that can be used by Idaho (or any other state) to test CPA Exam candidates. Without the changes, Idaho would not be able to accept applications and provide for the CPA Exam in Idaho.

The proposal: modifies definitions to include new terminology and entities involved in the computerized CPA Exam; defines the application process, how candidates are notified of eligibility, and how to schedule the exam; defines CPA Exam content; clarifies the education requirements to sit for the CPA Exam; provides for reporting of grades, setting the passing score, granting credit, and a transition process from paper and pencil to computerized; updates cheating rules and provides a mechanism for handling security concerns; sets Idaho's administrative fee at \$100 for an original candidate (vs \$225 now) and \$50 for a re-exam candidate (vs either \$65, \$130, or \$200 now.) The test development and delivery fees are set by national organizations and the candidate must pay those fees directly.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: Confers a benefit.

The benefit is that Idaho students and employees who are pursuing a career in public accounting will be able to continue taking the CPA Examination. Without the rule changes, they could not sit for the exam. Ultimately, they could not be licensed as Certified Public Accountants.

Having CPAs is good for Idaho's economy, our job market, our businesses, and individual citizens. Licensed CPAs command higher salaries. They are better qualified to counsel businesses and individuals on financial matters than those who lack similar education, experience, and continuing professional education. The public is protected by having a state agency that licenses and regulates these individuals. The regulated accountants are held to higher standards and requirements than non-regulated accountants

If we eliminate the avenue for these educated people to become licensed, they may be forced to relocate outside of Idaho. This is a loss to our industry, economy, and our state as a whole. If they elect to stay within our state without becoming licensed, they may offer a lower level of accounting services (ones that do not require licensure.) This offers fewer options to Idaho businesses and residents, and eliminates the protection of the public that is served by having professionals licensed.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: The proposal sets Idaho's administrative fee at \$100 for an original candidate (vs \$225 now) and \$50 for a re-exam candidate (vs either \$65, \$130, or \$200 now.) The test development and delivery fees are set by national organizations and the candidate must pay those fees directly.

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

IDAHO BOARD OF ACCOUNTANCY
Idaho Accountancy Rules

Docket No. 01-0101-0302
Temporary and Proposed Rulemaking

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. The Board of Accountancy sent fliers to candidates, provided information to colleges and universities, and sent multiple newsletters on the issues.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Barbara R. Porter, Executive Director, at 208-334-2490.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 23, 2003.

DATED this 21st Day of May, 2003.

Barbara R. Porter, Executive Director
Idaho State Board of Accountancy
1109 Main Street, Owyhee Plaza Suite 470
PO Box 83720
Boise, Idaho 83720-0002
Phone: 208-334-2490
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THE FOLLOWING IS THE TEXT OF DOCKET NO. 01-0101-0302

010. DEFINITIONS (Rule 010).

The Idaho State Board of Accountancy adopts the definitions set forth in Section 54-206, Idaho Code. In addition, as used in this chapter: (4-2-03)

01. Administering Organization. An entity that has met, and at all relevant times continues to meet, the standards specified by the Board for administering peer reviews. (4-2-03)

02. Board. The Board or its designated representative. (4-2-03)

03. Candidate. Applicants approved to sit for the CPA Examination. (4-2-03)

04. CPA Examination. Uniform Certified Public Accountant Examination. (4-2-03)

05. CPE. Continuing Professional Education. (4-2-03)

06. Examination Window. The three-month period in which candidates have an opportunity to take the CPA Examination. (11-7-03)T

067. Monitoring Organization. An independent body that oversees the self-regulatory programs of the SECPS. (4-2-03)

08. NASBA. The National Association of State Boards of Accountancy. (11-7-03)T

09. National Candidate Database. The National Association of State Boards of Accountancy

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

IDAHO BOARD OF ACCOUNTANCY Idaho Accountancy Rules

Docket No. 01-0101-0302 Temporary and Proposed Rulemaking

database of all CPA Examination candidates on a nationwide basis. (11-7-03)T

~~07~~**10.** **Oversight Committee.** The Peer Review Oversight Committee. (4-2-03)

~~08~~**11.** **Peer Review.** The study, appraisal or review, by a licensee who is not affiliated with the licensee or firm being reviewed, of one (1) or more aspects of the professional work of a licensee or firm that issues attest or compilation reports. (4-2-03)

~~09~~**12.** **Reporting Form.** CPE reporting form. (4-2-03)

103. **SECPS.** Securities and Exchange Commission Practice Section of the AICPA. (4-2-03)

14. **Test Delivery Service Provider.** Prometric is the contract vendor that delivers the computer-based CPA Examination. (11-7-03)T

~~14~~**5.** **Verification Of Employment And Experience Evaluation Form.** Work experience verification form. (4-2-03)

~~12~~**6.** **Year Of Review.** The calendar year during which a peer review is conducted. (4-2-03)

~~13~~**7.** **Year Under Review.** The twelve (12)-month period that is reviewed by the reviewers. (4-2-03)

(BREAK IN CONTINUITY OF SECTIONS)

100. CPA EXAMINATION (Rule 100).

An applicant must pass the CPA Examination before applying for a CPA certificate and license. The CPA Examination will be graded by the American Institute of Certified Public Accountants and is subject to review and acceptance by the Board. ~~The CPA examination will be held simultaneously in such places and such times as the Board may designate consistent with the dates for the CPA Examination.~~ (4-2-03)(11-7-03)T

101. APPLICATIONS -- AUTHORIZATION TO TEST AND NOTIFICATION TO SCHEDULE -- REQUEST TO DEFER TIME AND PLACE -- CHANGE OF ADDRESS (Rule 101).

01. **Applications.** ~~Applications must be filed at the principal office of the Board. Applications for the May CPA Examination must be filed by March 1, and for the November CPA Examination by September 1. Examination fees as prescribed in Rule 700 must be included with the application. All supporting documentation must be received by the office of the Board no later than April 1 for the May examination and October 1 for the November examination. Applications to take the CPA Examination must be made on a form prescribed by the Board and filed with the Board office by a due date specified by the Board in the application form. An application will not be considered filed until the fee as required in Rule 700 and all required supporting documents have been received, including proof of identity as determined by the Board and specified on the application form, and official transcripts sent directly from the college or university to the Board office as proof that the applicant has satisfied the education requirement.~~ (4-2-03)(11-7-03)T

02. **Notice.** ~~Candidates will be informed of the time and place of the CPA Examination at least thirty (30) days prior to the examination.~~ **Authorization To Test And Notification To Schedule.** The Board will forward notification of eligibility in the form of an Authorization to Test (ATT) to the candidate and NASBA's national candidate database. The ATT is issued for the test section(s) the candidate applied. Candidates shall pay the actual fees charged by the AICPA, the national candidate database, and the test delivery service provider directly to NASBA. Eligible candidates will receive a Notice to Schedule (NTS) for the CPA Examination from NASBA. The NTS is valid for six (6) months from the date issued. A candidate's ATT lasts as long as the NTS is valid, or until the candidate tests whichever occurs first. However, the ATT will expire ninety (90) days after it is issued if the candidate has not requested an NTS and paid the appropriate fees to NASBA. (4-2-03)(11-7-03)T

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

IDAHO BOARD OF ACCOUNTANCY Idaho Accountancy Rules

Docket No. 01-0101-0302 Temporary and Proposed Rulemaking

03. ~~Request To Defer.~~ ~~Candidates who have filed applications for the CPA Examination and who wish to defer the examination until a later date shall notify the Board in writing by April 15 for the May examination, and by October 15 for the November examination. A request to defer may not be applied to more than two (2) examinations in succession.~~ **Time And Place Of Examination.** Eligible candidates who have received an NTS shall independently contact a test delivery center operator identified by the Board to schedule the time and place for the examination at an approved test site. (4-2-03)(11-7-03)T

04. Change Of Address. Candidates must file a change of address with the Board within thirty (30) days of the change. (4-2-03)

102. FAILURE TO APPEAR (Rule 102).

~~If, after proper notification, a~~ A candidate who fails to appear for the CPA eExamination, ~~the examination fee will be forfeited unless a request to defer has been filed~~ shall forfeit all fees paid. (4-2-03)(11-7-03)T

103. COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (Rule 103).

The applicant must submit a written request, with supportive documentation from a physician, for special accommodations. The request must be submitted at the same time the application is submitted. The Board will respond to the applicant ~~within fifteen (15) working days prior to the examination~~ with the ATT notification. (4-2-03)(11-7-03)T

104. ~~OUT-OF-STATE APPLICANTS EXAMINATION CONTENT~~ (Rule 104).

~~Applicants who have been approved as candidates in other jurisdictions shall be allowed to write the examination in Idaho provided the request to write the examination has been authorized by the Board or officials responsible for administering the examinations in such other jurisdictions. The applicant shall remit the nonrefundable proctoring fees as prescribed in Rule 700 prior to the established deadlines. The Board will consider these applications in the order received and shall be subject to available space. The CPA Examination shall test the knowledge and skills required for performance as an entry-level certified public accountant. The CPA Examination shall include the subject areas of auditing, attestation, accounting and reporting, regulation, business environment, and related knowledge and skills as the Board may require.~~ (4-2-03)(11-7-03)T

105. EVIDENCE OF EDUCATIONAL QUALIFICATIONS (Rule 105).

01. Satisfactory Evidence. An applicants for the CPA Examination must present evidence satisfactory to the Board that the applicant ~~meets~~ has completed the requirements set forth in ~~Section 54-208(1)(c), Idaho Code~~ Subsection 105.02. (4-2-03)(11-7-03)T

02. Educational Requirements. Educational qualifications include successful completion of a baccalaureate degree or its equivalent and shall also contain thirty (30) or more semester hours (or forty-five (45) or more quarter hours) in business administration subjects of which at least twenty (20) semester hours (or at least thirty (30) quarter hours) shall be in the study of accounting subjects. Candidates have the option of demonstrating compliance with the educational requirements for licensure as specified in Rule 300. (4-2-03)(11-7-03)T

106. ~~NOTIFICATION OF DETERMINING AND REPORTING EXAMINATION GRADES~~ (Rule 106).

~~Candidates will be notified in writing of their numerical grades within ninety (90) days after completion of the examination. Public or private announcement of grades will not be made until Board members have been advised and given at least seven (7) days to consider the grades and register their exceptions. Grades determined by a majority of the members of the Board shall control. A candidate shall be required to pass all test sections of the CPA Examination in order to qualify for a CPA certificate and license. Upon receipt of advisory grades from the examination provider, the Board will review and may adopt the examination grades and will report the official results to the candidate.~~ (4-2-03)(11-7-03)T

107. PASSING GRADES (Rule 107).

A candidate shall be required to obtain a grade of seventy-five (75) or higher in each of the ~~subjects~~ four (4) test sections of the CPA eExamination in order to pass the examination. Rule 107 is subject to the provisions of Rule 108. A candidate shall be deemed to have passed the CPA Examination once the candidate holds at the same time valid credit for passing each of the four (4) test sections of the examination. Credit for passing a test section of the computer-based examination is valid from the actual date of the testing event for that test section, regardless of the

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

date the candidate actually receives notice of the passing grade.

(4-2-03)(11-7-03)T

108. ~~CONDITIONAL~~ RETAKE AND GRANTING OF CREDIT (Rule 108).

01. **Credit For ~~Subjects~~ Sections Prior To Computerization Of The CPA Examination.** A candidate shall be required to pass all ~~subjects~~ test sections of the CPA Examination in order to qualify for a CPA certificate and license. If, at a given sitting of the examination prior to the implementation of a computer-based CPA Examination, a candidate passes two (2) or more but not all ~~subjects~~ sections, then the candidate shall be given conditional credit for those ~~subjects~~ sections that the candidate has passed and need not sit for re-examination in those ~~subjects~~ sections, provided that:

(4-2-03)(11-7-03)T

a. The candidate wrote all ~~subjects~~ sections of the examination for which the candidate does not have credit at that sitting; and

(4-2-03)(11-7-03)T

b. The candidate attained a minimum grade of fifty (50) on each ~~subject~~ section not passed at that sitting. However, if a candidate passes three (3) ~~subjects~~ sections of the examination, the candidate shall be conditionally credited with the ~~subjects~~ sections passed without regard to the grade in the remaining ~~subject~~ section;

(4-2-03)(11-7-03)T

c. The candidate passes the remaining sections of the CPA Examination within six (6) consecutive administrations of the CPA Examination given after the one at which the first sections were passed; and

(11-7-03)T

d. At each subsequent sitting at which the candidate seeks to pass any additional sections, the candidate sits for all sections not yet passed.

(11-7-03)T

02. **~~Time Frame To Pass Remaining Subjects.~~** ~~The applicant must pass the remaining subjects of the examination within six (6) consecutive examinations given after the one at which the applicant earned conditional credit. The Board may extend the period in which a candidate must pass the remaining subjects, if the candidate submits satisfactory evidence that he was prevented from attendance at an examination by reason of overseas military service, disabling illness or other good cause.~~ **Credit For Subjects After Computerization Of The CPA Examination.** Upon implementation of a computer-based CPA Examination, a candidate may take the required test sections individually and in any order. Credit for any test section(s) passed shall be valid for eighteen (18) months from the actual date the candidate took that test section(s), without having to attain a minimum score on any failed test section(s) and without regard to whether the candidate has taken other test sections, provided that:

(4-2-03)(11-7-03)T

a. Candidates must pass all four (4) test sections of the CPA Examination within a rolling eighteen-month period, which begins on the date that the first test section(s) passed is taken;

(11-7-03)T

b. Candidates cannot retake a failed test section(s) in the same examination window; and

(11-7-03)T

c. Candidates who do not pass all four (4) sections of the CPA Examination within the rolling eighteen-month period shall lose credit for any test section(s) passed outside the eighteen-month period and that test section(s) must be retaken.

(11-7-03)T

03. **~~Subjects For Which Candidates With Conditional Credit Has Not Been Given Earned On The Paper-Based CPA Examination.~~** ~~Applicants are required to sit for all subjects for which conditional credit has not been given.~~ Candidates who have conditional credit on the paper-based CPA Examination as of the launch date of the computer-based CPA Examination are subject to the following transition requirements:

(4-2-03)(11-7-03)T

a. Candidates will retain conditional credits from the paper-based sections for the corresponding computer-based sections as follows:

(11-7-03)T

i. "Auditing" under paper-based corresponds to "Auditing and Attestation" under computer-based;

(11-7-03)T

ii. "Financial Accounting and Reporting" under paper-based corresponds to "Financial Accounting

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

and Reporting” under computer-based; (11-7-03)T

iii. “Accounting and Reporting” under paper-based corresponds to “Regulation” under computer-based; and (11-7-03)T

iv. “Business Law and Professional Responsibilities” under paper-based corresponds to “Business Environment and Concepts” under computer-based. (11-7-03)T

b. A candidate who attained conditional credit under the paper-based examination will be allowed a transition period to complete any remaining test sections. The transition period is the maximum number of opportunities that the candidate has remaining, at the launch of the computer-based examination, to complete all remaining test sections, or three (3) years from the last day of the month conditional credit was attained, whichever is exhausted first. During the candidate’s transition period, any computer-based test section passed is not subject to the credit granting provisions of Subsection 108.02. (11-7-03)T

c. If a candidate who attained conditional credit under the paper-based examination does not pass all remaining test sections during the transition period, conditional credits earned under the paper-based examination will expire and the candidate will lose credit for the test sections earned under the paper-based examination. When paper-based credit is lost, any computer-based test section passed during the transition period becomes subject to the credit granting provisions of Subsection 108.02. (11-7-03)T

04. **Extending The Term Of Credit.** The Board may in particular cases extend the term of credit validity set forth in Subsections 108.02 and 108.03 upon demonstration by the candidate that the credit was lost by reason of circumstances beyond the candidate’s control. (11-7-03)T

109. TRANSFER OF CREDIT, CPA EXAMINATION (Rule 109).

An applicant may submit the results of any ~~examination of~~ test section of the CPA Examination taken by the applicant ~~on any subject covered by the CPA Examination~~ in any other state having standards at least equivalent to those of this state, and these results may be adopted by the Board in lieu of examination in this state on the same ~~subject test section~~ and in accordance with the provisions of Section 54-210, Idaho Code and these rules. ~~(4-2-03)~~(11-7-03)T

110. CHEATING (Rule 110).

01. **Actions.** Cheating by an applicant in applying for the CPA Examination or by a candidate in taking the CPA Examination will cause any grade otherwise earned on any part of the CPA Examination to be invalidated. Cheating may warrant summary expulsion from the examination room and disqualification from taking the CPA Examination for a specified ~~number of subsequent sittings~~ period of time. ~~(4-2-03)~~(11-7-03)T

02. **Exam Site.** If the Board or its representative suspects that cheating has occurred or is occurring while the CPA Examination is in progress, the Board or its representative may summarily expel the candidate from the examination. If the Board or its representative permits a candidate to continue taking the examination, it may: ~~(4-2-03)~~(11-7-03)T

a. Admonish the candidate; (4-2-03)

b. Seat the candidate in a segregated location for the rest of the examination; (4-2-03)

c. Keep a record of the candidate’s seat location and ~~identification number~~ identifying information, and the names and ~~identification numbers~~ identifying information of the candidates ~~on either side in close proximity~~ of the candidate; or ~~(4-2-03)~~(11-7-03)T

d. Notify the national candidate database, the test center, and/or the AICPA of the circumstances, ~~furnishing the candidate’s identification number~~, so that ~~after the initial grading is completed~~ the candidate’s ~~papers can be compared for unusual similarities with the papers of others who may have been involved~~ may be more closely monitored in future examination sessions. ~~(4-2-03)~~(11-7-03)T

03. **Hearings.** If the Board believes that it has evidence that a candidate has cheated on the examination

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

IDAHO BOARD OF ACCOUNTANCY Idaho Accountancy Rules

Docket No. 01-0101-0302 Temporary and Proposed Rulemaking

or a candidate has been expelled from the examination, the candidate shall be provided notice and opportunity for hearing pursuant to Rule 003. In such hearings, the Board shall decide: (4-2-03)

- a. Whether or not there was cheating, and if so what remedy should be applied; (4-2-03)
- b. Whether the candidate shall be given credit for any portion of the examination completed in that session; and (4-2-03)
- c. Whether the candidate shall be barred from taking the examination in future sittings, and if so, for how many sittings. (4-2-03)

04. Notice. If a candidate is refused credit for any ~~part~~ test section of an examination taken, disqualified from taking any ~~part of the examination~~ test section, or barred from taking the examination in the future sittings, the Board will provide information about findings and actions taken to the national candidate database and the board of any other state to which the candidate may apply for the examination. ~~(4-2-03)~~(11-7-03)T

111. SECURITY AND IRREGULARITIES (Rule 111).

01. Board Action. Notwithstanding any other provisions under these rules, the board may postpone scheduled examinations, the release of grades, or the issuance of certificates due to: (11-7-03)T

- a. A breach of examination security; (11-7-03)T
- b. Unauthorized acquisition or disclosure of the contents of an examination; (11-7-03)T
- c. Suspected or actual negligence, errors, omissions, or irregularities in conducting an examination; or (11-7-03)T
- d. For any other reasonable cause or unforeseen circumstance. (11-7-03)T

112. -- 199. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

700. EXAMINATION FEES (Rule 700).

01. Original Examination Application-~~And Examination.~~ The original examination application ~~and examination~~ fee is ~~two one hundred and twenty-five~~ one hundred and thirty dollars (\$225100) regardless of the number of sections for which the candidate is applying to sit. ~~(4-2-03)~~(11-7-03)T

02. Re-Examination Application. The re-examination application fee is ~~two hundred fifty~~ one hundred and thirty dollars (\$2050) ~~for all parts; one hundred and thirty dollars (\$130) for two (2) parts; and sixty-five dollars (\$65) for one (1) part~~ regardless of the number of sections for which the candidate is applying to sit. ~~(4-2-03)~~(11-7-03)T

03. Out-Of-State Applicant. ~~The fee for each out-of-state applicant applying to sit for the examination in Idaho is twenty dollars (\$20) for each subject of the examination.~~ (4-2-03)

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS

DOCKET NO. 07-0701-0301

NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-5005(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 49 through 55.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-5005(1), Idaho Code. Fees to be charged for permits and inspections for heating, ventilation and air conditioning systems under the jurisdiction of the state are to be established by the Idaho Heating, Ventilation and Air Conditioning Board as set forth in Section 54-5005(1), Idaho Code.

Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dave Munroe, Administrator, 332-7100.

DATED this 19th day of November, 2003.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho 83642
Phone: (208) 334-3951 / Fax: (208) 855-2164

IDAPA 07, TITLE 07, CHAPTER 01

RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, pages 49 through 55.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS

DOCKET NO. 07-0701-0301 (FEE RULE)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section 54-5005(2), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rules specify the requirements for grandfathering, certification, permitting, inspections and education. The rules are necessary to implement provisions of the new statute, Title 54, Chapter 50, Installation of Heating, Ventilation and Air Conditioning Systems, Idaho Code.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

Fees to be charged for permits and inspections for heating, ventilation and air conditioning systems under the jurisdiction of the state are to be established by the Idaho Heating, Ventilation and Air Conditioning Board as set for in Section 54-5005(1), Idaho Code.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because proposed rules are necessary to implement provisions of Title 54, Chapter 50, Idaho Code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Dave Munroe, Administrator, 332-7100.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2003.

DATED this 20th day of August, 2003.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: (208) 334-3951
Fax: (208) 855-2164

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0701-0301

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

DIVISION OF BUILDING SAFETY
Installation of Heating, Ventilation, & Air Conditioning Systems

Docket No. 07-0701-0301
Proposed Rulemaking

IDAPA 07
TITLE 07
CHAPTER 01

**07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR
CONDITIONING SYSTEMS, DIVISION OF BUILDING SAFETY**

000. LEGAL AUTHORITY.

This chapter is adopted in accordance with Section 54-5005(2), Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited in full as IDAPA 07.07.01, "Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety" (HVAC Rules). ()

02. Scope. These rules establish the minimum standards for heating, ventilation, and air conditioning (HVAC) installation practice, certification, registration, and educational programs. ()

002. WRITTEN INTERPRETATIONS.

This agency has no written interpretations of this chapter. ()

003. ADMINISTRATIVE APPEALS.

IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," Section 100, et seq., shall apply to contested cases, in addition to IDAPA 07.07.01, "Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety" and the provisions of Title 54, Chapter 50, Idaho Code. ()

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule. ()

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Division of Building Safety, HVAC Bureau is located at 1090 E. Watertower Street, Meridian, Idaho. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is: Division of Building Safety, HVAC Bureau, 1090 E. Watertower Street, Meridian, Idaho 83642. The office telephone number is (208) 334-3950 and the facsimile number is (208) 855-2164. ()

006. FILING OF DOCUMENTS.

All written communications and documents that are intended to be part of an official record for decision in a rulemaking or contested case, must be filed with the administrator of the Division. Communications and documents shall be filed by mail, hand-delivery, or by facsimile transmission. One (1) original must be filed with the administrator, and one (1) copy must be submitted to the opposing parties. Whenever documents are filed by facsimile transmission, originals shall be deposited in the mail the same day or hand-delivered the following business day to the administrator and opposing parties. ()

007. PUBLIC RECORDS ACT COMPLIANCE.

These rules were promulgated in accordance with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. These rules and all records of the HVAC board are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. ()

008. CHANGES IN NAME AND ADDRESS -- ADDRESS FOR NOTIFICATION PURPOSES.

01. Change Of Name. Whenever a change of name occurs for a certified contractor, journeyman, specialty contractor, or registered apprentice, the HVAC board must be notified immediately, in writing, of the change. Documentation confirming the change of name must be provided to the board on request. ()

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

DIVISION OF BUILDING SAFETY **Installation of Heating, Ventilation, & Air Conditioning Systems**

Docket No. 07-0701-0301
Proposed Rulemaking

02. Change Of Address. Whenever a change of mailing address occurs for a certificated contractor, journeyman, specialty contractor, or registered apprentice, the HVAC board must be notified immediately, in writing, of the change. ()

03. Address For Notification Purposes. The most recent mailing address on record with the HVAC board will be utilized for purposes of all written communication with certified contractors, journeymen, specialty contractors, and registered apprentices, including, but not limited to, notification of renewal and notices related to inspections. ()

009. MEETINGS.

HVAC Board meetings are subject to the provisions of the Idaho Open Meeting Law, Title 67, Chapter 23, Idaho Code. ()

010. DEFINITIONS.

01. Administrator. The administrator of the Idaho Division of Building Safety. ()

02. Board. The Idaho Heating, Ventilation, and Air Conditioning (HVAC) Board. ()

03. Bureau. The Idaho Division of Building Safety, Heating, Ventilation, and Air Conditioning Bureau. ()

04. Division. The Idaho Division of Building Safety. ()

05. Additional Definitions. Terms defined in Section 54-5003, Idaho Code, will have the same meaning when utilized in these rules. ()

06. Rules. IDAPA 07.07.01, "Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety". ()

011. -- 019. (RESERVED).

020. HVAC CONTRACTOR AND HVAC JOURNEYMAN APPLICATIONS FOR EXAMINATION AND CERTIFICATES OF COMPETENCY, AND REGISTRATION OF APPRENTICES.

Application forms for HVAC contractor, HVAC specialty contractor, and HVAC journeyman examinations or certificates of competency and for HVAC apprentice registrations, shall be printed and made available by the administrator. ()

01. Application Forms. All applications for certificates and all applications for registration shall be submitted on forms provided by the administrator and shall be properly completed, giving all pertinent information, and all signatures shall be notarized. ()

02. Application, Renewal, And Registration Fees. Fees for applications for examination, certificates of competency, renewal of certificates, and fees for apprentice registration shall be as set forth in Section 54-5012, Idaho Code. ()

03. Application Submission. All applications shall be submitted to the Board and shall be approved by an administrator before any examination may be taken and before any certificate of competency is issued. ()

021. HVAC CONTRACTOR CERTIFICATE OF COMPETENCY.

01. Requirements For HVAC Contractor. ()

a. Bond. Applicants shall provide a performance bond in the amount of two thousand dollars (\$2,000). ()

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

DIVISION OF BUILDING SAFETY
Installation of Heating, Ventilation, & Air Conditioning Systems**Docket No. 07-0701-0301**
Proposed Rulemaking

b. Qualification. Applicants shall provide proof, satisfactory to the board, of having legally acted as an HVAC journeyman for a period of not less than twenty-four (24) months. ()

c. Examination. Applicants for certification as HVAC contractors must successfully complete the examination designated by the board. ()

02. Alternate Requirements For HVAC Contractor. (Applies only until April 1, 2005). ()

a. Bond. Applicants shall provide a performance bond in the amount of two thousand dollars (\$2,000). ()

b. Qualification. Proof, satisfactory to the board, of having engaged in the business of HVAC contracting prior to July 1, 2004. Forms of proof include, but are not limited to: ()

i. Copies of business licenses or registrations; ()

ii. Tax returns; ()

iii. Business advertisements; ()

iv. Client affidavits; or ()

v. Descriptions of work done to date. ()

c. Examination. Copies of the HVAC statute and rules, along with an examination regarding the statute and rules will be included in each application package. The examination must be completed using the statute and rules and a written verification of completion of the examination must be submitted at the same time as the completed application for a certificate of competency. ()

022. HVAC SPECIALTY CONTRACTOR CERTIFICATE OF COMPETENCY.

01. Requirements For HVAC Specialty Contractor. ()

a. Bond. Applicants shall provide a performance bond in the amount of two thousand dollars (\$2,000). ()

b. Qualification. Applicants shall provide proof, satisfactory to the board, of having legally acted as an HVAC specialty journeyman for a period of not less than twenty four (24) months. ()

c. Examination. Applicants for certification as HVAC specialty contractors must successfully complete the examination designated by the board. ()

02. Alternative Requirements For HVAC Specialty Contractor. (Applies only until April 1, 2005). ()

a. Bond. Applicants shall provide a performance bond in the amount of two thousand dollars (\$2,000). ()

b. Qualification. Proof, satisfactory to the board, of having engaged in the business of HVAC specialty contracting prior to July 1, 2004. Forms of proof include, but are not limited to: ()

i. Copies of business licenses or registrations; ()

ii. Tax returns; ()

iii. Business advertisements; ()

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

DIVISION OF BUILDING SAFETY
Installation of Heating, Ventilation, & Air Conditioning Systems**Docket No. 07-0701-0301**
Proposed Rulemaking

iv. Client affidavits; or ()

v. Descriptions of work done to date. ()

c. Examination. Copies of the HVAC statute and rules, along with an examination regarding the statute and rules will be included in each application package. The examination must be completed using the statute and rules and a written verification of completion of the examination must be submitted at the same time as the completed application for a certificate of competency. ()

023. HVAC JOURNEYMAN CERTIFICATES OF COMPETENCY.

01. Requirements For HVAC Journeyman. ()

a. Experience. Demonstrate, to the satisfaction of the board, a minimum of four (4) years experience working in the trade, in compliance with the requirements of the state in which the applicant received his supervision, or as a registered HVAC apprentice making HVAC installations on the job under the constant supervision of a qualified HVAC journeyman. ()

b. Education. Successfully complete any required apprenticeship training courses. ()

c. Examination. Applicants for certification as HVAC journeymen must successfully complete the examination designated by the board. ()

02. Alternate Requirements For HVAC Journeyman (Applies Only Until April 1, 2005). ()

a. Qualification. Proof, satisfactory to the board, of having been engaged or being qualified to be engaged in the installation, improvement, extension, alteration, or repair of HVAC systems as a journeyman prior to July 1, 2004. Forms of proof include, but are not limited to: ()

i. Copies of journeyman certification; ()

ii. Licensure or registration; ()

iii. Signed notarized affidavits from employers or labor organizations; or ()

iv. Certificates of completion from journeyman educational or training programs. ()

b. Examination. Copies of the HVAC statute and rules, along with an examination regarding the statute and rules will be included in each application package. The examination is to be completed using the statute and rules and a written verification of completion of the examination must be submitted at the same time as the completed application for a certificate of competency. ()

024. HVAC APPRENTICE REQUIREMENTS FOR REGISTRATION.

Requirements for HVAC apprentice include the following: ()

01. Age. Minimum of sixteen (16) years of age. ()

02. Training. Maintain enrollment in a training program approved by the board. ()

03. Supervision. Work only under the constant on-the-job supervision by a certificated HVAC journeyman. ()

025. -- 049. (RESERVED).

050. HVAC PERMITS.

01. Serial Number. Each permit shall bear a serial number. ()

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

02. HVAC Contractors And HVAC Specialty Contractors. The Division shall furnish permits to certified HVAC contractors and HVAC specialty contractors upon request. The serial numbers of such permits shall be registered in the name of the HVAC contractor or HVAC specialty contractor to whom they are issued. Permits shall not be transferable. ()

03. Home Owners. Home owners or a contract purchaser of residential property, making HVAC installations on their own residences, coming under the provisions of Section 54-5002, Idaho Code, shall secure an HVAC permit by making application to the Division as provided in Section 54-5016, Idaho Code. ()

04. HVAC Contractors And HVAC Specialty Contractors. HVAC contractors and HVAC specialty contractors shall secure an HVAC permit by making application to the Division as provided in Section 54-5016, Idaho Code. ()

05. Expiration Of Permit. Every permit issued by the Division under the provisions of Section 54-5017, Idaho Code, shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred twenty (120) days from the date of issuance of such permit, or if work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of one hundred twenty (120) days. Before work that has been suspended or abandoned for a period of more than one hundred twenty (120) days since originally commenced, may be recommenced, a new permit must first be obtained, and the fee shall be one-half (1/2) the amount required for a new permit for such work; provided, no changes have been made, or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one (1) year. All HVAC fixtures shall be listed on the application for permit. ()

051. -- 059. (RESERVED).

060. REQUIRED INSPECTIONS.

All work performed under a HVAC permit shall be inspected by a designated, qualified, properly identified agent of the authority having jurisdiction to ensure compliance with Title 54, Chapter 50, Idaho Code, and IDAPA 07.07.01. ()

01. Request For Division Of Building Safety Inspection. ()

a. Inspection. Each permit holder shall notify the Division at least one (1) day prior to the desired inspection, Sundays and holidays excluded, that the project is ready for inspection. ()

b. Reinspection. If a reinspection is required after the final inspection, due to a failure to meet requirements of Title 54, Chapter 50, Idaho Code, and/or these rules, the permit holder will be charged a fee not to exceed the actual cost of each reinspection. ()

02. Inspection Tags. Inspectors certify to the permit holder that an inspection has been done by securely attaching the appropriate inspection tag to the equipment. ()

a. Final Inspection Tags. Blue colored "final inspection" tags are attached when the HVAC installation as specified on the permit is complete and conforms to the requirements of the code and rules. ()

b. Inspection Tags for Unacceptable HVAC Installations. Red colored "unacceptable" inspection tags are attached to indicate that the HVAC installation is not acceptable and that corrections are required. ()

c. Work in Progress Tag. Green colored "work in progress" inspection tags are attached following inspection of ground work, rough-in work, or any portion of the installation that is to be covered or otherwise concealed before completion of the entire HVAC installation as specified on the permit. ()

061. HVAC INSTALLATION PERMIT AND INSPECTION FEES - PRIOR TO COMMENCEMENT OF WORK.

01. Residential Single And Duplex Family Dwelling Permit And Inspection Fees. Where a permit

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

DIVISION OF BUILDING SAFETY Installation of Heating, Ventilation, & Air Conditioning Systems

**Docket No. 07-0701-0301
Proposed Rulemaking**

is obtained prior to the commencement of work on residential single and duplex family dwellings, there will be assessed a fifty dollar (\$50) base permit fee plus an inspection fee of: ()

a. Fifty dollars (\$50) for each furnace, furnace-air conditioner combination, heat pump, air conditioner, evaporative cooler, unit heater, space heater, decorative gas-fired appliance, incinerator, boiler, pool heater, and similar fixtures or appliances. Fee includes ducts, vents, and flues attached thereto. ()

b. Fifteen dollars (\$15) for each exhaust or ventilation duct such as dryer vents, range hood vents, cook stove vents, bath fan vents, and similar exhaust and ventilation ducts. ()

c. Fifty dollars (\$50) for the fuel gas piping system. ()

02. Multifamily, Commercial, Institutional, Industrial, And All Other HVAC Installation Permit And Inspection Fees. Where a permit is obtained prior to the commencement of work on multifamily, commercial, institutional, industrial, and all other HVAC installations, there will be assessed a fifty dollar (\$50) base permit fee for each building plus an inspection fee based on the selling price of the completed HVAC installation including equipment, appliances, piping systems, materials, and labor of: ()

a. Three percent (3%) of the value of the HVAC installation up to twenty thousand dollars (\$20,000); plus ()

b. Two percent (2%) of the value of the HVAC installation in excess of twenty thousand dollars (\$20,000) up to one hundred thousand dollars (\$100,000); plus ()

c. One percent (1%) of the value of the HVAC installation in excess of one hundred thousand dollars (\$100,000) up to two hundred thousand dollars (\$200,000); plus ()

d. One-half of one percent (1/2%) of the value of the HVAC installation in excess of two hundred thousand dollars (\$200,000). ()

062. HVAC INSTALLATION PERMIT AND INSPECTION FEES - AFTER COMMENCEMENT OF WORK.

Where a permit is obtained after the HVAC installation work has commenced, the inspection and permit fees to be assessed shall be an amount equal to twice the sum obtained by adding the base fee to the inspection fee that would have been assessed had the permit been obtained prior to the commencement of the installation. ()

063. -- 999. (RESERVED).

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE

18.01.44 - SCHEDULE OF FEES, LICENSES AND MISCELLANEOUS CHARGES

DOCKET NO. 18-0144-0301

NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211 and 41-401, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule will encourage the electronic renewal of producer licenses by reducing the licensing fees, if renewed electronically, from eighty dollars (\$80) to sixty dollars (\$60).

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume No. 03-7, July 2, 2003, pages 47 and 48.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There is no fee increase. The fee for producer licenses renewed electronically will be reduced by twenty dollars (\$20).

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the pending rule, contact Jim Genetti at (208) 334-4250.

Dated this 30th day of September, 2003.

Mary L. Hartung, Director
Idaho Department of Insurance
700 West State Street - 3rd Floor
P.O. Box 83720, Boise, ID 83720-0043
Telephone No. (208) 334-4250
Facsimile No. (208) 334-4298

IDAPA 18, TITLE 01, CHAPTER 44

SCHEDULE OF FEES, LICENSES AND MISCELLANEOUS CHARGES

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-7, July 2, 2003, pages 47 and 48.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.44 - SCHEDULE OF FEES, LICENSES AND MISCELLANEOUS CHARGES

DOCKET NO. 18-0144-0301 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 41-211 and 41-401, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 16, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Department currently has the capability of renewing producer licenses electronically. If a license is renewed electronically, all hands-on administration is eliminated. To encourage the electronic renewal of producer licenses and to share the administrative efficiencies of licensing electronically, a decrease of the licensing fees stated under IDAPA 18.01.44.030.04 is appropriate, if the license is renewed electronically. The fee to renew a license is currently eighty dollars (\$80). This rule will reduce the fee for licenses renewed electronically to sixty dollars (\$60).

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: The rule confers a benefit by reducing the producer license renewal fee for electronic renewals.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There is no fee increase. The fee for producer licenses renewed electronically will be reduced by twenty dollars (\$20).

NEGOTIATED RULEMAKING: Pursuant to IDAPA 03.11.01.811, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Jim Genetti at (208) 334-4250.

Anyone may submit written comments regarding these rules. All written comments and data concerning the rule must be directed to the undersigned and must be received on or before July 23, 2003.

Dated this 28th day of May, 2003.

Mary L. Hartung, Director
Idaho Department of Insurance
700 West State Street - 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
Telephone No. (208) 334-4250
Facsimile No. (208) 334-4298

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 18-0144-0301

030. PRODUCER AND MISCELLANEOUS LICENSING FEES.

01. Original License Application. The following fees are due and must be paid with the filing application for original license, which fees include the issuance of a license, if issued: (3-13-02)

- a. Administrators - Three hundred dollars (\$300). (7-1-00)
- b. Producers - Eighty dollars (\$80). (3-13-02)
- c. Designation as a managing general agent - Eighty dollars (\$80). (3-13-02)
- d. Adjusters - Eighty dollars (\$80). (3-13-02)
- e. Reinsurance intermediary - Eighty dollars (\$80). (3-13-02)
- f. Surplus line brokers - Eighty dollars (\$80). (3-13-02)

02. Examination Fees. The following fees are due and must be paid in order to take examinations for the following licenses: (3-13-02)

- a. Producers and adjusters - application for examination and each time taken - Sixty dollars (\$60). (3-13-02)

03. Fingerprint Processing. Processing fingerprints, where required - Sixty dollars (\$60). (7-1-00)

04. License Renewal. The following fees are due and must be paid for each license in order to renew or continue each and every license: (3-13-02)

- a. Adjusters, producers (biennial) - Eighty dollars (\$80), or sixty dollars (\$60) if renewed electronically. ~~(3-13-02)~~(7-1-03)T
- b. Redesignation as managing general agent (annual) - Eighty dollars (\$80). (3-13-02)
- c. Administrators (annual) - Eighty dollars (\$80). (3-13-02)
- d. Surplus line brokers (biennial) - Eighty dollars (\$80), or sixty dollars (\$60) if renewed electronically. ~~(3-13-02)~~(7-1-03)T

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.08.01 - RULES OF THE STATE BOARD OF MORTICIANS

DOCKET NO. 24-0801-0301 - (FEE RULE)

NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1106 and 54-1107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 1, 2003, Idaho Administrative Bulletin, Volume 03-10, pages 412 through 417.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: There is a fee added for Crematory establishment of \$200 as currently allowed in 24.08.02 which is being incorporated into 24.08.01.

Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule or temporary rule, contact Rayola Jacobsen at (208) 334-3233.

DATED this 29th day of October, 2003.

Rayola Jacobsen, Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233
(208) 334-3945 fax

IDAPA 24, TITLE 08, CHAPTER 01

RULES OF THE STATE BOARD OF MORTICIANS

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, pages 412 through 417.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.08.01 - RULES OF THE STATE BOARD OF MORTICIANS

DOCKET NO. 24-0801-0301 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 15, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-1106 and 54-1107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Current law was amended July 1, 2003 to include provisions for Crematories and Funeral Directors for protection of the public. These rules will define the qualifications and revise the rules to come into compliance with current Idaho Code.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

To clarify qualification for funeral directors and have rules provide for qualifications and standards of crematories. Temporary rules are justified to protect the public health, safety, and welfare and to confer a benefit.

FEE SUMMARY: pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

There is a fee added for Crematory establishment of \$200 as currently allowed in 24.08.02, "Rules of The Idaho State Board of Morticians Governing Crematories," which is being incorporated into 24.08.01, "Rules of the State Board of Morticians".

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because there were no controversial changes made.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Rayola Jacobsen, (208) 334-3233.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2003.

DATED this 19th day of August, 2003.

Rayola Jacobsen
Owyhee Plaza
1109 Main Street, Suite 220
Boise, Idaho 83702
(208) 334-3233
(208) 334-3945 (FAX)

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-0801-0301

300. ~~MORTICIAN APPLICATIONS AND EXAMINATION REQUIREMENTS~~ (Rule 300).

In order to be admitted to the ~~mortician~~ examination, the applicant must ~~have~~ submit an application on a form approved by the Board with the required fees documenting proof of having completed the training period as prescribed by law and these rules, and meet the specific requirements for license as set forth in Section 54-1109 of the Idaho Code as follows: ~~(7-1-93)~~(8-15-03)T

01. Age. Applicant must have attained the age of twenty-one (21) years by the time of examination. ~~(7-1-93)~~

02. Moral Character. Must be of good moral character. ~~(7-1-93)~~

03. Educational Requirements. Must have completed and received credit for at least sixty (60) semester hours or ninety (90) quarter hours instruction in a duly accredited college or university and has obtained at least a C grade average for all courses of instruction; provided, however, at least three-fourths (3/4) of all such credits must be for courses in fields of liberal arts, business or science directly relating to the knowledge required to successfully compete in the field of mortuary science. In questionable cases the decision of the board shall be final. These requirements shall be in addition to and not considered a part of the ~~graduation from~~ successful completion of an accredited embalming school for those pursuing licensure as a mortician. ~~(7-1-93)~~(8-15-03)T

a. Applicants pursuing licensure as a mortician must also document successful completion of an embalming college accredited by the American Board of Funeral Service Education, Inc. or an embalming college approved by the Board. ~~(8-15-03)T~~

b. Applicants pursuing licensure as a funeral director must also document completion of at least fifteen (15) semester credit hours from a mortuary college accredited by the American Board of Funeral Service Education, Inc., or document such credits as may otherwise be approved by the Board. An approved course of study shall include business law, psychology, sociology, funeral service counseling, funeral service management and other classes that relate to conducting funeral business. ~~(8-15-03)T~~

04. Photo. ~~A photo as specified in Section 200 above.~~ ~~(7-1-93)~~

05. Embalming College. ~~Have completed embalming college as required. The Idaho Board of Morticians will accept graduates only from schools accredited by the American Board of Funeral Service Education.~~ ~~(7-1-93)~~

064. Completion Of One Year As A ~~Mortician~~ Resident Trainee. Must have served one (1) year as required by statute as a ~~mortician~~ resident trainee and receive certification from ~~his~~ a sponsoring mortician in Idaho. ~~(7-1-93)~~(8-15-03)T

a. Trainees pursuing licensure as a mortician must document having assisted in embalming at least twenty-five (25) dead human bodies under the supervision of a sponsoring mortician. ~~(8-15-03)T~~

b. Applicants pursuing licensure as a funeral director must document having assisted in making at least twenty-five (25) funeral arrangements and in conducting twenty-five (25) funerals under the supervision of a sponsoring mortician. ~~(8-15-03)T~~

05. Examination. Each applicant for mortician or funeral director licensure must successfully pass the entire examination approved by the Board. ~~(8-15-03)T~~

07. Payment Of Prescribed Application And Examination Fees. ~~Payment of prescribed application and examination fees.~~ ~~(7-1-93)~~

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

BUREAU OF OCCUPATIONAL LICENSES Rules of the State Board of Morticians

Docket No. 24-0801-0301
Temporary and Proposed Rulemaking

301. ~~SUBJECTS ON EXAM (Rule 301).~~

~~Appear for examination the following subjects or have passed the National Board Examination:~~ (7-1-93)

~~01. **Psychology.** Psychology.~~ (7-1-93)

~~02. **Anatomy.** Anatomy.~~ (7-1-93)

~~03. **Chemistry.** Chemistry.~~ (7-1-93)

~~04. **Physiology.** Physiology.~~ (7-1-93)

~~05. **Sanitary Science.** Consists of the following:~~ (7-1-93)

~~a. **Bacteriology.**~~ (7-1-93)

~~b. **Pathology.**~~ (7-1-93)

~~06. **The Care, Disinfection, Preservation, Transportation Of, The Burial Or Other Final Disposition Of Human Remains.**~~ (7-1-93)

~~a. **Embalming.**~~ (7-1-93)

~~b. **Restorative Art.**~~ (7-1-93)

~~c. **Mortuary Administration.**~~ (7-1-93)

~~d. **Funeral Directing.**~~ (7-1-93)

~~07. **Laws Of The State Of Idaho.** The laws of the state of Idaho relating to the care, disinfection, preservation, burial, transportation, or other final disposition of human remains.~~ (7-1-93)

~~08. **Rules Of The Department Of Public Health And/Or Public Welfare.** The rules of the Department of Public Health and/or Public Welfare relating to infectious diseases and quarantine.~~ (7-1-93)

~~09. **Demonstrate Proficiency As An Embalmer.** Demonstrate proficiency as an embalmer by operation on a cadaver.~~ (7-1-93)

301. -- 324. (RESERVED).

325. APPROVED EXAMINATION (Rule 325).

Applicants for licensure shall successfully pass the examinations set forth below. (8-15-03)T

01. Mortician Examination. The Mortician examination shall consist of: (8-15-03)T

a. All sections of the International Conference of Funeral Service Examining Board's National Board Examination; and (8-15-03)T

b. The examination of the laws and rules of the state of Idaho relating to the care, disinfection, preservation, burial, transportation, or other final disposition of human remains; and (8-15-03)T

c. The examination of the rules of the Department of Health and Welfare relating to infectious diseases and quarantine. (8-15-03)T

02. Funeral Director. The funeral director examination shall consist of: (8-15-03)T

a. The Arts section of the International Conference of Funeral Service Examination Board's National

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

BUREAU OF OCCUPATIONAL LICENSES Rules of the State Board of Morticians

Docket No. 24-0801-0301
Temporary and Proposed Rulemaking

Board Examination; and (8-15-03)T

b. The examination of the laws and rules of the state of Idaho relating to the care, disinfection, preservation, burial, transportation, or other final disposition of human remains; and (8-15-03)T

c. The examination of the rules of the Idaho Department of Health and Welfare relating to infectious diseases and quarantine. (8-15-03)T

~~302~~ **03. Grading (~~Rule 302~~).** The required average grade to pass the examination is seventy-five percent (75%). Provided further, that where the applicant has a ~~mark~~ score of less than seventy percent (70%) in one (1) or more subjects, such applicant shall not be passed, notwithstanding that his average mark may be higher than seventy-five percent (75%), however, should the applicant apply for reexamination he may, by board approval, be required to retake only that portion of the examination which he failed in previous examination. (~~7-1-93~~)(8-15-03)T

~~303~~ **26. -- 349. (RESERVED).**

350. ENDORSEMENT (Rule 350).

Refer to Section 54-1109(3) and (4), Idaho Code, ~~Subsections B and C.~~ (~~7-1-93~~)(8-15-03)T

351. -- 399. (RESERVED).

400. EXPIRATION OF LICENSE (Rule 400).

All licenses shall ~~become delinquent on June 30 of~~ expire each year and will be cancelled ~~on July 1 of the same year~~ if not renewed by payment of the required fee before the birthdate of the license holder. There will be no grace period. (~~7-1-93~~)(8-15-03)T

(BREAK IN CONTINUITY OF SECTIONS)

451. APPLICATION FOR LICENSE TO OPERATE A CREMATORY (Rule 451).

01. Contents Of Application. Each applicant for a license to operate a crematory in Idaho shall supply to the Idaho Board of Morticians the following information: (8-15-03)T

a. Name and address of corporation or firm; and (8-15-03)T

b. Number of retorts; and (8-15-03)T

c. Signature of applicant; and (8-15-03)T

d. Date of signature. (8-15-03)T

02. Forms Issued By The Board. The required "Application for License to Operate a Crematory" will be issued in blank and be made available to applicants by the Board. (8-15-03)T

03. Equipment Listing, Drawing Approval And Air Quality Standards. As a part of the initial application for licensure, the applicant must submit the following to the Board: (8-15-03)T

a. Detailed information regarding the retort specifically documenting that the retort and accompanying equipment is listed by an approved testing agency as listed in the Uniform Fire Code; (8-15-03)T

b. One (1) set of blueprints for the proposed new construction or remodeling where the retort is to be located. The blueprints must be approved by the local building department as being in compliance with applicable building codes and ordinances; and (8-15-03)T

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

BUREAU OF OCCUPATIONAL LICENSES Rules of the State Board of Morticians

Docket No. 24-0801-0301
Temporary and Proposed Rulemaking

c. A copy of the permit issued by the Department of Environmental Quality indicating compliance with air quality standards. (8-15-03)T

452. CREMATORY MINIMUM STANDARDS (Rule 452).

01. Reasonable Sanitation And Safety Required. In the interest of the protection of the public welfare, no license will be issued on an application to operate a crematory unless it is apparent that the crematory can, and will be operated in a reasonably sanitary and safe manner, free from substantial annoyance to the public. (8-15-03)T

02. Reduction Of Cremated Remains. No crematory will be licensed or operated unless it is capable of reducing human remains to cremains containing not more than five percent (5%) of the weight of the body immediately after death. (8-15-03)T

03. Delay Before Cremation. No dead human body, regardless of cause of death, is to be cremated, nor is actual cremation of such a body to be commenced, unless the county coroner in the county in which the death occurred gives his written authorization to cremate the body. (8-15-03)T

04. Embalming. If a dead human body is to be held longer than twenty-four (24) hours prior to cremation, the body must be either embalmed or refrigerated at thirty-six degrees Fahrenheit (36F) or less until cremated. No body can be held longer than fourteen (14) days after death prior to cremation unless there is a written request from the next-of-kin for holding the body. (8-15-03)T

05. Casket Not Necessary. It is not necessary for the body to be in a casket for cremation to take place. (8-15-03)T

a. This is not to be construed to mean that the crematory must cremate without a casket; and (8-15-03)T

b. It will not prevent the operators from developing their own internal requirements for aesthetic or sanitary reasons. (8-15-03)T

453. RECEIPT FOR BODIES TO BE CREMATED (Rule 453).

The following must be performed by the operator of a crematory upon receipt of a human body for cremation: (8-15-03)T

01. Provide A Receipt. A receipt must be delivered to the licensed mortician or funeral director, his agent, or another person who delivers such body to the crematory. (8-15-03)T

02. Contents Of Receipt. The receipt must show: (8-15-03)T

a. The name of the decedent whose body was received; and (8-15-03)T

b. The date on which that body was received; and (8-15-03)T

c. The place where that body was received; and (8-15-03)T

d. The name and address of the funeral establishment from whom that body was received; and (8-15-03)T

e. The name and address of the person, or the names and addresses of the persons, if more than one (1), who actually delivers the body. (8-15-03)T

454. RECORDS OF CREMATION OF BODIES (Rule 454).

01. Content Of Record. Each crematory must maintain a record of each cremation of human remains, all in the form of that crematory log as adopted by the board, disclosing: (8-15-03)T

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

BUREAU OF OCCUPATIONAL LICENSES Rules of the State Board of Morticians

Docket No. 24-0801-0301
Temporary and Proposed Rulemaking

- a.** The name of the decedent whose body was cremated; and (8-15-03)T
- b.** The name and address of the person, or names and addresses of the persons if more than one (1), authorizing the cremation of that body as received by the crematory or its representative; and (8-15-03)T
- c.** The date upon which that body was received by the crematory; and (8-15-03)T
- d.** The place where that body was received; and (8-15-03)T
- e.** A statement as to whether or not the body was embalmed; and (8-15-03)T
- f.** The date of the cremation of that body; and (8-15-03)T
- g.** The subsequent disposal of the cremated remains of that body by the crematory. (8-15-03)T

02. **Responsibility For Record.** Such record must be made as soon as reasonably possible after the cremation and must be dated and signed by the owner and operator of the crematory and by the licensed mortician who supervised or was otherwise directly responsible for the cremation. (8-15-03)T

03. **Inspection By The Board.** Such records must be maintained at the crematory and open for inspection at any reasonable time by the Board or its designated representatives. (8-15-03)T

455. **CONFIDENTIALITY OF RECORDS (Rule 455).**

Any disclosure of information obtained by the Board in connection with licensure activities and records of funerals or cremations must comply with Idaho Public Records Act 9-337 et seq., Idaho Code. (8-15-03)T

~~454~~6. -- 499. **(RESERVED).**

500. **FEES (Rule 500).**

- 01.** **Funeral Director.** Funeral Director - Eighty-five dollars (\$85). (3-13-02)
- 02.** **Funeral Establishment.** Funeral Establishment – One hundred twenty-five dollars (\$125) (original license/annual renewal). (3-13-02)
- 03.** **Crematory Establishment.** Crematory Establishment - Two hundred dollars (\$200) (original license/annual renewal). (8-15-03)T
- 034.** **Mortician.** Mortician - Eighty-five dollars (\$85) (original license/annual renewal). (3-13-02)
- 045.** **Mortician Resident Trainee.** Mortician Resident Trainee - Fifty dollars (\$50) (original license/annual renewal). (3-13-02)
- 056.** **Application Fee.** Application Fee – One hundred dollars (\$100). (3-13-02)
- 067.** **Certificate Of Authority.** Certificate of Authority - Fifty dollars (\$50) (original certificate/annual renewal). (3-13-02)
- 078.** **Application For Reinstatement.** Application for reinstatement within five (5) years - Twenty-five dollars (\$25) reinstatement fee and annual renewal fees for back years (Reference Section 67-2614, Idaho Code). (7-1-93)
- 089.** **Maintenance Of Pre-Need Trust Accounts Fee.** Pursuant to Section 54-1134 D., Idaho Code, a fee not to exceed ten percent (10%) of the annual earned interest income may be charged for maintenance of pre-need trust accounts. (7-1-93)

Subject Index

A

Address For Notification Purposes 12
Administering Organization 4
Age, Mortician Applications & Examination 23
Alternate Requirements For HVAC Contractor (Applies Only Until April 1, 2005) 14
Alternate Requirements For HVAC Journeyman (Applies Only Until April 1, 2005) 15
Alternative Requirements For HVAC Specialty Contractor (Applies Only Until April 1, 2005) 14
Application Fee 27
Application For License To Operate A Crematory 25
Application Submission 13
Application, Renewal, & Registration Fees 13
Applications -- Authorization To Test & Notification To Schedule -- Time & Place -- Change Of Address, CPA Examination 5
Applications & Requirements, Board Of Morticians 23
Approved Examination 24
Authorization To Test & Notification To Schedule 5

C

Candidates With Conditional Credit Earned On The Paper-Based CPA Examination 7
Casket Not Necessary, Crematory 26
Certified Public Accountant Examination, Board Of Accountancy 5
Change Of Address 13
Cheating, CPA Examination 8
Completion Of One Year As A Resident Trainee, Mortician Applications & Examination 23
Compliance With The Americans With Disabilities Act, CPA Examination 6
Confidentiality Of Records, Crematory 27
Content Of Record, Each Crematory Must Maintain A Record 26
Contents Of Application, License To Operate A Crematory 25

CPA Examination 4

CPE 4

Credit For Sections Prior To Computerization Of The CPA Examination, CPA Examination 7

Credit For Subjects After Computerization Of The CPA Examination 7

Crematory Establishment 27

D

Definitions, IDAPA 01.01.01, Idaho Accountancy Rules 4

Definitions, IDAPA 07.07.01, Rules Governing Installation Of Heating, Ventilation, & Air Conditioning Systems, Division Of Building Safety 13

Delay Before Cremation 26

Determining & Reporting Examination Grades 6

E

Educational Requirements, CPA Examination 6

Educational Requirements, Mortician Applications & Examination 23

Embalming College, Mortician Applications & Examination 23

Embalming, Minimum Standards, Operate A Crematory 26

Endorsement, Board Of Morticians 25

Equipment Listing, Drawing Approval & Air Quality Standards, License To Operate A Crematory 25

Evidence Of Educational Qualifications, CPA Examination 6

Examination Content 6

Examination Fees, Idaho Accountancy Rules 9

Examination Window 4

Expiration Of License, Mortician 25

F

Failure To Appear, CPA Examination 6

Fees, Board Of Morticians 27

Forms Issued By The Board, License To Operate A Crematory 25

Funeral Director, Fee 27

Funeral Establishment, Fee 27

G

Grading, Mortician Exam 25

H

HVAC Apprentice Requirements For Registration 15

HVAC Contractor & HVAC Journeyman Applications For Examination & Certificates Of Competency, & Registration Of Apprentices 13

HVAC Contractor Certificate Of Competency 13

HVAC Contractors & HVAC Specialty Contractors 16

HVAC Installation Permit & Inspection Fees - After Commencement Of Work 17

HVAC Installation Permit & Inspection Fees - Prior To Commencement Of Work 16

HVAC Journeyman Certificates Of Competency 15

HVAC Permits 15

HVAC Specialty Contractor Certificate Of Competency 14

I

Inspection By The Board, Crematory Records 27

M

Maintenance Of Pre-Need Trust Accounts Fee 27

Minimum Standards, Operate A Crematory 26

Monitoring Organization 4

Moral Character, Mortician Applications & Examination 23

Mortician 27

Mortician Resident Trainee, Fee 27

Multifamily, Commercial, Institutional, Industrial, & All Other HVAC Installation Permit & Inspection Fees 17

N

NASBA, National Association Of State Boards Of Accountancy 4

O

Original Examination Application, Examination Fees, Idaho Accountancy Rules 9

Original License Application 20

Oversight Committee 5

2004 - Commerce and Human Resources Senate Pending Fee Rule (Green)

ADMINISTRATIVE RULES REVIEW

Subject Index

P

Passing Grades, CPA Examination 6
Peer Review 5
Photo, Mortician Applications &
Examination 23
Producer & Miscellaneous Licensing
Fees, Licenses, Miscellaneous
Charges 20
Provide A Receipt, Body Delivered To
A Crematory 26

R

Reasonable Sanitation & Safety
Required, Crematory 26
Receipt For Bodies To Be Cremated,
Crematory 26
Records Of Cremation Of Bodies 26
Reduction Of Ashes, Operate A
Crematory 26
Re-Examination Application,
Examination Fees, Idaho
Accountancy Rules 9
Reinstatement, State Board Of
Morticians License 27
Request For Division of Building Safety
Inspection, HVAC 16
Required Inspections, HVAC 16
Requirements For HVAC
Contractor 13
Requirements For HVAC
Journeyman 15
Requirements For HVAC Specialty
Contractor 14
Residential Single & Duplex Family
Dwelling Permit & Inspection Fees,
HVAC 16
Retake & Granting Of Credit 7

S

Satisfactory Evidence, CPA
Examination 6
SECPS 5
Security & Irregularities 9
Subjects For Which Conditional Credit
Has Not Been Given, CPA
Examination 7

T

Test Delivery Service Provider 5
Time & Place Of Examination 6
Transfer Of Credit, CPA
Examination 8

V

Verification Of Employment &
Experience Evaluation Form 5